

INDIANA PHYSICAL THERAPY COMMITTEE

Minutes

September 3, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Mary Bennett called the meeting to order at 10:12 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, IN 46204 and declared a quorum.

Board Members Present:

Mary Bennett, PT, Member
Megan Certo, PT, Member
Deborah Reed, PT, Member (arrived at 10:15 a.m.)
Maria Fletcher, MD, Member

Board Members Absent:

None.

State Officials Present:

Jeanette Roberts, Board Director, Indiana Professional Licensing Agency
Tasha Coleman, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, Board Advisory Counsel, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Fletcher/Certo
3/0/0 Motion carried.

III. ADOPTION OF THE MINUTES FROM THE JUNE 18, 2008 MEETING OF THE COMMITTEE

A motion was made and seconded to adopt the minutes of the March 5, 2008 meeting of the committee.

Certo/Fletcher
3/0/0 Motion carried.

IV. ELECTIONS

This item was tabled until the next meeting of the Committee.

V. PERSONAL APPEARANCES

A. Ganiyu Azeez

Re: Positive Response on Renewal Application

Mr. Azeez and his attorney James Boyles are present. Mr. Azeez is on criminal probation for 2 years due to Medicaid fraud. He has agreed to not treat Medicaid or Medicare patients.

A motion was made and seconded to place Mr. Azeez's license on INDEFINITE PROBATION. He cannot apply to come off probation until his criminal probation is completed. He must have an independent, committee approved PT monitor. He must make quarterly appearances before the Committee. He must submit quarterly reports from the criminal probation officer to be received prior to the personal appearance. He must submit quarterly reports from the monitor to address proper standards of practice, appropriateness of documentation and billing appropriate use of aides. He must complete an ethics course consisting of 8 hours and a billing/coding 2 day (APTA) course within 9 months. Said courses must be pre-approved by the committee. If not self employed, must give a copy of the order to the employer, signed by employer and returned to the committee.

Certo/Reed
4/0/0 Motion carried.

B. Julie Schroder

Re: Positive Response on Renewal Application

A motion was made and seconded to renew the license.

Certo/Reed

4/0/0 Motion carried.

C. Kelly Ray Sears – Motion to renew. Certo/Fletcher 4/0/0

Re: Positive Response on Renewal Application

A motion was made and seconded to renew the license.

Certo/Fletcher

4/0/0 Motion carried.

D. Laura Anne Shields

Re: Positive Response on Renewal Application

A motion was made and seconded to renew the license.

Fletcher/Certo

4/0/0 Motion carried.

E. Tracy Arnold

Re: Positive Response on Renewal Application

A motion was made and seconded to renew the license.

Certo/Fletcher

4/0/0 Motion carried.

F. Lexie Catanglan

Re: Positive Response on Renewal Application

Ms. Catanglan is not present for the appearance requested by the Committee.

A motion was made and seconded to deny the renewal of the license.

Certo/Fletcher

4/0/0 Motion carried.

G. Rose Mary Anderson

Re: Probationary Personal Appearance

Ms. Anderson appeared before the committee as required by her probationary order. She is in compliance with her order but notes that she is unable to find a job.

VI. ADMINISTRATIVE HEARINGS

A. In the matter of the license of Vilma A. Abaigar, P.T., License No. 05003415A

Administrative Cause Number: 2008 PTC 0001

Re: Final Hearing

Parties and Counsel Present:

Christa Jewsbury, Deputy Attorney General

Vilma Abaigar, PT, Respondent

John Itttenbach, Attorney for Respondent

Participating Committee Members:

Mary Bennett, PT, Chair

Deborah Reed, PT, Member

Megan Certo, PT, Member

Maria Fletcher, MD, Member

Witnesses:

Vilma Abaigar, PT

Case Summary: A complaint was filed in this matter on April 3, 2008.

The complaint contains three counts. Mr. Ittenbach requested the committee to dismiss count three as he feels that it cannot be proven.

A motion was made and seconded to dismiss count three of the complaint.

Certo/Reed
4/0/0 Motion carried.

A motion was made and seconded to place the Respondent's license on INDEFINITE PROBATION. She can request termination of probation in one year. She must submit a personal report to the committee on a quarterly basis. She must submit a report from her employer, if working, on a quarterly basis. She must have her employer sign and return a copy of the order within 7 days of receipt of the order. She must provide proof of completion of an ethics course within 6 months that consists of a minimum of 8 hours to be pre-approved by the committee. She must have a psychological evaluation completed by an Indiana licensed psychologist within 6 months that speaks to her current state and response to stress.

Certo/Fletcher
3/0/0 Motion carried. (Reed left the room)

B. In the matter of the license of Marsha L. Johnson, P.T.A., License No. 06001743A

Administrative Cause Number: 2007 PTC 0003

Re: Extension of Summary Suspension/Final Hearing

Parties and Counsel Present:

Mark Mader, Deputy Attorney General
Respondent is not present.

Participating Committee Members:

Mary Bennett, PT, Chair
Megan Certo, PT, Member
Maria Fletcher, MD, Member

Witnesses:

None.

Case Summary: A Petition for Summary Suspension in this matter was filed on April 10, 2007. A Summary Suspension Order was filed and mailed on April 18, 2007 suspending the license for 90 days. On August 22, 2007, an Extension of Summary Suspension was filed suspending the license for an additional 90 days. A complaint was filed in this matter on August 24, 2007. The Committee voted to suspend the license for an additional 90 days on December 12, 2007. On March 5, 2008, the Committee accepted an agreement to continue the hearing and extend the summary suspension for an additional 90 days or until June 27, 2008. On June 18, 2008, her summary suspension was again extended for an additional 90 days.

Mark Mader presents an agreement for probation to the committee for approval.

A motion was made and seconded to approve the agreement with modifications.

Certo/Fletcher
3/0/0 Motion carried.

C. In the matter of the license of Julee L. Gordon, P.T.A., License No. 06002469A

Administrative Cause Number: 2008 PTC 0002

Re: Final Hearing

Parties and Counsel Present:

Christa Jewsbury, Deputy Attorney General
Respondent is not present.

Participating Committee Members:

Mary Bennett, PT, Chair
Megan Certo, PT, Member
Maria Fletcher, MD, Member

Witnesses:

None.

Case Summary: A complaint was filed in this matter on April 22, 2008.

Christa Jewsbury presents an agreement for probation to the committee for approval.

A motion was made and seconded to approve the agreement as presented.

Fletcher/Certo
3/0/0 Motion carried.

D. In the matter of the license of Rosario Sepe, P.T., License No. 05008494A

Administrative Cause Number: 2006 PTC 0008

Re: Withdrawal of Probation

Parties and Counsel Present:

Rosario Sepe, PT

Participating Committee Members:

Mary Bennett, PT, Chair

Megan Certo, PT, Member

Maria Fletcher, MD, Member

Witnesses:

None.

Case Summary: The Committee placed Mr. Sepe's license on probation in an order dated October 17, 2006 as a result of a positive response to one of the questions on the renewal form.

Mr. Sepe demonstrates that he is eligible for withdrawal of probation. The probation has been lifted from his NY license.

A motion was made and seconded to withdraw the probation from his license.

Certo/Fletcher
3/0/0 Motion carried.

E. In the matter of the license of Mark Mayner, P.T., License No. 05008964A

Administrative Cause Number: 2006 PTC 0005

Re: Request for Reinstatement

Parties and Counsel Present:

Mark Mader, Deputy Attorney General

Mark Mayner, Respondent

Stacy Garner, Sister of the Respondent

Participating Committee Members:

Mary Bennett, PT, Chair

Megan Certo, PT, Member

Maria Fletcher, MD, Member

Witnesses:

Mark Mayner

Stacy Garner

Case Summary: Respondent's license was issued with a probationary status on June 13, 2006. An Order to Show Cause was issued on November 14, 2006. Mr. Mayner's probationary order was modified as a result of that hearing. Another Order to Show Cause was filed on May 19, 2008. On June 18, 2008 the committee voted to suspend the license indefinitely and require the Respondent to obtain a psychological evaluation to be completed by a psychologist that shall include MMPI or similar test by August 15, 2008. The Committee will hold reinstatement hearing in September. He must also submit an employer statement if employed.

The Respondent submitted the psychological evaluation to the committee for their review.

A motion was made and seconded to place Mr. Mayner's license back on INDEFINITE PROBATION. He may petition the committee for withdraw of probation after one year. He must submit a personal report to the committee on a quarterly basis. He must submit a report from his employer, if working, on a quarterly basis to include items as requested before. He must have his employer sign and return a copy of the order within 7 days of receipt of the order.

VII. APPLICATION REVIEW

A. Shahid Munir

RE: Foreign-Trained PTA

This application was tabled by the committee for consideration at the next meeting to determine what type of credential evaluation they will require.

B. Neringa Snyder

RE: Foreign-Trained PTA

This application was tabled by the committee for consideration at the next meeting to determine what type of credential evaluation they will require.

C. Lucinda Prewitt Scheldorf

RE: Positive Response at Renewal

A motion was made and seconded to renew the license.

Certo/Fletcher
4/0/0 Motion carried. (Reed returned)

D. Judith Utz Arand

RE: Renewal Application

Her license has been expired for more than 3 years. She must take the exam.

A motion was made and seconded to require Ms. Arand to retake the national exam.

Reed/Fletcher
4/0/0 Motion carried.

E. Morgan Hughes

RE: Initial Application

Ms. Hughes has completed the requirements for graduation but will not have a transcript showing the degree has been conferred until December. She is requesting a temporary permit.

A motion was made and seconded to grant her request for a temporary permit and can extend if needed if she passes the exam. Full license to be granted upon receipt of transcript showing degree conferred.

Reed/Fletcher
4/0/0 Motion carried.

VIII. PRESENTATION FROM THE OFFICE OF THE ATTORNEY GENERAL (MARK MADER)

This item was tabled until December.

IX. DISCUSSION

A. Probationary Update (Megan Certo)

Everyone is doing well. Ms. Certo asks staff to send Ms. Pepsak a send reminder regarding drug screens.

B. Testing Accommodations (Dr. Maria Fletcher)

Dr. Fletcher reported that she only had one request for accommodations since the last meeting.

C. The NCR Research Institute

Re: NeuroCranial Restructuring

The Committee reviewed this request and asked the Director to respond letting them know that the Committee cannot interpret the statute and rules.

X. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Physical Therapy Committee adjourned at 4:29 p.m.

Mary Bennett, PT, Chair